

Ex. YY

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4 HOLCOMBE, et al., )

)

5 Plaintiffs, )

)

6 vs. ) Civil Action No.

)

7 UNITED STATES OF AMERICA, ) 5:18-CV-00555-XR

)

8 Defendant. ) (Consolidated cases)

9  
10  
11 REMOTE ORAL VIDEOTAPED DEPOSITION

12 UNITED STATES OF AMERICA

13 BY ITS CORPORATE REPRESENTATIVE

14 JAMES KEVIN POORMAN

15 Thursday, July 9, 2020

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23  
24 Reported by:

25 Rebecca Callow, RMR, CRR, RPR

1 dangerous felons, the better decision they can make  
2 in preventing individuals who shouldn't have  
3 firearms from getting them?

4 A. Yes.

5 MR. STERN: Objection.

6 BY MR. JACOB:

7 Q. Would you agree with me that when  
8 government agencies fail to share criminal history  
9 on dangerous felons, they unnecessarily expose the  
10 public to an increased risk of gun violence?

11 MR. STERN: Objection.

12 A. I don't know that I -- that we agree that  
13 it exposes the public to gun violence. That -- I  
14 can explain what I mean by that if that's -- if ...

15 BY MR. JACOB:

16 Q. Sure. Would you mind explaining?

17 A. Yeah.

18 The -- so exposing to gun violence  
19 is -- "exposed" to me, is a verb, and it sounds like  
20 a causative, I guess, in that, in sorting through  
21 this, I think we see -- at least "we" in  
22 discussion -- acts of commission and acts of  
23 omission.

24 And the way that's phrased would come  
25 across to me as an act of commission, that there's

1 some contribution, if you will, to the ability. I  
2 think it's an act omission.

3 I think it perhaps didn't mitigate the  
4 ability to get a weapon, certainly didn't mitigate  
5 the ability to get a weapon from a federal  
6 firearms -- licensed federal firearms dealer.

7 It didn't fully mitigate the inability  
8 to get a weapon, but it didn't provide the FBI what  
9 they needed, if a call is made, that would have  
10 resulted in the weapon not being sold. But, again,  
11 I see -- that's an act of omission.

12 And so "exposed," I'm sorry, I take  
13 exception with that word in there. But, again, it  
14 sounded like more of an action verb to me, and I  
15 don't -- I don't think we contributed or failure  
16 contributes in an active way to that. Over.

17 (Pause in proceedings.)

18 THE WITNESS: Is someone still there?  
19 I'm sorry.

20 MS. SANDERS: We're still here.

21 BY MR. JACOB:

22 Q. Sir, can you hear me?

23 A. Okay. It just was a long -- long silence.  
24 I thought it was a disconnect or something.

25 Q. I think we're talking past each other on